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CALIFORNIA, ex rel. California Department of Toxic
Substances Control

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES
CENTRAL DISTRICT

PEOPLE OF THE STATE OF
CALIFORNIA, ex rel. California
Department of Toxic Substances Control,
Plaintiff,
v.
AMBITECH, INC., a Nevada Corporation,
JAMES JANDA, AMERICA JANDA, and
Does 1 to 10,
Defendants.

CASE NO. BC345012

NOTICE OF ENTRY OF
FINAL JUDGMENT

Plaintiff California Department of Toxic Substances Control ("Department")
hereby gives notice that the Court entered the Final Judgment at the hearing held on June 30,
2006, as indicated in the attached FINAL JUDGMENT.

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JUL 06 2006

LOS ANGELES
SUPERIOR COURT

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DATED: July 5, 2006

BILL LOCKYER, Attorney General
of the State of California
DONALD ROBINSON,
Supervising Deputy Attorney General
ANN RUSHTON,
Deputy Attorney General

By: Original signed by Ann Rushton
ANN RUSHTON
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California Department of
Toxic Substances Control

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SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES
CENTRAL DISTRICT

CASE NO. 82-10112
JUDGMENT

PEOPLE OF THE STATE OF
CALIFORNIA, et al. Plaintiff
Department of Toxic Substances Control
vs.
JAGTECH, INC., a Nevada Corporation,
JAMES LAMBA, and
JAMES LAMBA, et al.
Defendants

FINAL JUDGMENT

COPY

ORIGINAL FILED

JUN 30 2006

LOS ANGELES
SUPERIOR COURT

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES
CENTRAL DISTRICT

PEOPLE OF THE STATE OF
CALIFORNIA, ex rel. California
Department of Toxic Substances Control,

Plaintiff,

v.

AMBITECH, INC., a Nevada Corporation,
JAMES JANDA, AMERICA JANDA, and
Does 1 to 10,

Defendants.

CASE NO. BC345012

~~PROPOSED~~ FINAL JUDGMENT

THE COURT, having considered request by plaintiff State of California Department of Toxic Substances Control ("Department") for entry of judgment by default, and the evidence and the arguments of counsel in support thereof, and good cause appearing:

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

1. The Court has jurisdiction of the subject matter and personal jurisdiction over

1 each of the three named defendants, AMBITECH, INC., JAMES JANDA, AND AMERICA
2 JANDA.

3 2. Each of the three named defendants, AMBITECH, INC., JAMES JANDA, AND
4 AMERICA JANDA was properly served with a copy of the summons and complaint, and each
5 failed to answer the complaint or appear and defend the action within the time allowed by law.
6 The default of defendants AMBITECH, INC, JAMES JANDA, AND AMERICA JANDA was
7 entered upon plaintiff's application.

8 3. Entry of this Final Judgment ("Judgment") is in the public interest.

9 4. The compliance provisions of the Judgment are applicable to each of defendants
10 AMBITECH, INC., JAMES JANDA, AND AMERICA JANDA, and all of them.

11 THE DEFENDANTS

12 5. Defendant Ambitech, Inc., a Nevada corporation ("Ambitech") generates, handles,
13 treats, stores, and/or disposes of hazardous waste at a facility located at 8944 Fullbright Avenue,
14 Chatsworth, California (the "Site"). Defendant Ambitech generates metal and cyanide bearing
15 waste rinse water from electroplating operations, spent electroplating solutions containing
16 dissolved metals, spent stripping and cleaning bath solutions, metal- and cyanide-bearing
17 residues from electroplating solutions and metal-bearing sludge from waste water treatment.

18 6. Defendants James Janda and America Janda are co-owners of the Site.

19 DETERMINATION OF VIOLATIONS

20 7. On or about August 24, 2004, and continuing each day thereafter, Defendant
21 violated California Code of Regulations, title 22, section 66265.192, in that Defendant failed to
22 prepare a written tank system assessment, certified by a qualified, independent engineer
23 registered in California, for tanks owned and operated by Defendant which are used to hold or
24 treat hazardous wastes, including extremely hazardous cyanide-bearing wastes.

25 8. On or about August 24, 2004, and continuing each day thereafter, Defendant
26 violated California Code of Regulations, title 22, section 66265.193, in that Defendant failed to
27 maintain adequate secondary containment for hazardous waste tanks used to hold or treat
28 hazardous waste, including extremely hazardous cyanide-bearing waste.

1 9. On or about August 24, 2004, and continuing each day thereafter, Defendant
2 violated California Code of Regulations, title 22, section 66265.199, subdivision (a), and section
3 66265.31, in that Defendant placed incompatible acidic and cyanide-bearing wastes in the same
4 tank system.

5 10. On or about August 24, 2004, the Defendants violated California Code of
6 Regulations, title 22, section 66265.13, in that Defendants failed to maintain waste analysis
7 records showing the hazardous characteristics of all hazardous wastes, including cyanide-bearing
8 hazardous wastes, treated onsite by Defendants.

9 11. On or about August 24, 2004, Defendants violated California Code of Regulations,
10 title 22, section 66265.31, in that Defendant spilled and failed to clean up spent copper etchant
11 which is a hazardous waste under California law.

12 12. On or about August 24, 2004, Defendants violated California Code of Regulations,
13 title 22, section 66265.173, in that Defendant failed to keep three 55-gallon containers holding
14 hazardous waste closed. Defendant had three containers with tops cut off so that the containers
15 could not be closed. Two of the containers were more than half-full of plating bath filters
16 contaminated with extremely hazardous cyanide-bearing wastes.

17 13. On or about August 24, 2004, Defendants violated California Code of
18 Regulations, title 22, section 66262.34, in that Defendants failed to adequately label 21 of the 42
19 hazardous waste containers Defendants had onsite on the date of the Department's inspection.

20 COMPLIANCE PROVISIONS

21 14. Defendants shall come into full compliance with the requirements of California
22 Code of Regulations, title 22, section 66265.192 by submitting a final certified tank system
23 assessment prepared by a qualified, independent engineer registered in the State of California
24 (the "Tank System Assessment") to the Department within 60 days following the entry of this
25 Judgment. The Tank System Assessment shall address all of the hazardous waste tank systems at
26 the Site and shall include a written evaluation certifying the integrity of all hazardous waste
27 tanks, pipes and conduits that hold or transport hazardous waste, and all components of the
28 secondary containment system.

1 15. Defendants shall maintain adequate secondary containment for all tanks and tank
2 systems used to hold or treat hazardous waste. Any repairs or modifications to the tanks and tank
3 systems which are specified as necessary or appropriate by the Tank System Assessment to
4 maintain adequate secondary containment shall be completed within 60 days following the entry
5 of this Judgment.

6 16. Defendants shall not place incompatible wastes within the same tank system,
7 except as may be provided by California Code of Regulations, title 22, section 66265.199. Any
8 repairs or modifications to the tanks and tank systems which are specified as necessary or
9 appropriate by the Tank System Assessment to prevent the commingling of incompatible wastes
10 shall be completed within 60 days following the entry of this Judgment.

11 17. Defendants shall comply with California Code of Regulations, title 22, section
12 66265.13 by maintaining waste analysis records showing the hazardous characteristics of all
13 hazardous wastes, including cyanide-bearing wastes, treated onsite.

14 18. Defendants shall promptly clean up any spills of hazardous materials or wastes in
15 compliance with California Code of Regulations, title 22, section 66265.31.

16 19. Defendants shall keep all containers holding hazardous waste closed in
17 compliance with California Code of Regulations, title 22, section 66265.173.

18 20. Defendants shall adequately label all hazardous waste containers in compliance
19 with California Code of Regulations, title 22, section 66262.34.

20 21. If for any reason the Defendants fail to comply fully with paragraphs 14 through
21 20 of this Judgment, in the alternative the Defendants shall do each of the following:

22 a. Immediately and permanently cease all operations at the Site involving
23 hazardous materials or producing hazardous waste;

24 b. Remove and properly dispose of all hazardous waste and hazardous materials
25 from the Site in accordance with all applicable statutes and regulations within 60 days following
26 the entry of this Judgment;

27 c. Submit to the Department within 60 days of the entry of this Judgment a
28 closure plan for the Site along with a schedule for implementation of the closure plan, with a

1 copy to the County of Los Angeles Fire Department as the Certified Unified Program Agency
2 ("CUPA"); and

3 d. Complete all actions necessary to obtain a Certificate of Closure for the Site
4 in compliance with all applicable laws and regulations within 180 days following the entry of this
5 Judgment, or such other longer period of time as may be acceptable to the Department.

6 SITE ACCESS

7 22. Access to the Site shall be provided at all reasonable times to employees,
8 contractors and consultants of the Department and the CUPA. The Department, the CUPA and
9 their authorized representatives shall have the authority to enter and move freely about all
10 property at the Site at all reasonable times for purposes including but not limited to (1) inspecting
11 records, operating logs, and contracts relating to the Site; (2) conducting sampling, monitoring
12 and testing as the Department or the CUPA may deem necessary or appropriate; (3) reviewing
13 the progress of the Defendants in complying with the terms of this Judgment; and (4) conducting
14 removal action work if necessary.

15 23. In the event that no one is available on the Site to provide access during normal
16 business hours, the Defendants shall provide the Department and the CUPA with a contact
17 telephone number of a person who shall be available to provide access to the Site within 24
18 hours.

19 MONETARY PENALTIES

20 24. Based on the foregoing DETERMINATION OF VIOLATIONS, the Department
21 sets the amount of Defendants' penalty at \$867,500.00. Payment is due within 60 days of the
22 entry of this Judgment. All payments required pursuant to this Judgment shall be made by
23 certified or cashier's check, payable to the Department of Toxic Substances Control and shall
24 bear the title and case number as follows: "People v. Ambitech, Inc. et al., No. BC345012, Los
25 Angeles County Superior Court." Defendants shall send all payments to:

26 Department of Toxic Substances Control
27 Accounting Office
28 1001 I Street
P.O. Box 806
Sacramento, CA 95812-0806

1 A photocopy of the check shall be sent to:

2 Mr. Charles A. McLaughlin, Chief
3 State Oversight and Enforcement Branch
4 Statewide Compliance Division
5 Department of Toxic Substances Control
6 8800 Cal Center Drive
7 Sacramento, CA 95826-3200

8 25. Provided that the Defendants have removed all hazardous wastes and hazardous
9 materials from the Site in compliance with paragraph 21.b. above, and upon application by the
10 Defendants, the Department will reduce the amount of the civil penalties specified in paragraph
11 24 by an amount equal to the reasonable direct costs actually expended by the Defendants to
12 effectuate the removal and proper disposal of hazardous wastes and hazardous materials from the
13 Site, provided however, that the amount of such penalty reduction shall not exceed \$650,625.
14 Any such application by the Defendants for reduction of the civil penalties shall be accompanied
15 by appropriate documentation of all expenses.

16 26. Provided that the Defendants have met the terms of compliance in paragraphs 14
17 through 20 above, and upon application by the Defendants, the Department will reduce the
18 amount of the civil penalties specified in paragraph 24 by an amount equal to the reasonable
19 direct costs actually expended by the Defendants to come into compliance, provided however,
20 that the amount of such penalty reduction shall not exceed \$650,625. Any such application by
21 the Defendants for reduction of the civil penalties shall be accompanied by appropriate
22 documentation of all expenses.

23 REIMBURSEMENT OF COSTS OF REMOVAL ACTION

24 27. In the event that Defendants fail to comply with the Compliance Provisions of
25 this Judgment (as set forth above in paragraphs 14 through 20, or in the alternative paragraph 21)
26 and the Department determines it is appropriate to conduct any removal action to remove
27 hazardous waste and/or hazardous materials from the Site, Defendants shall reimburse the
28 Department for all costs incurred by the Department associated with any such removal action.

RETENTION OF JURISDICTION

28 28. This Court shall retain jurisdiction over this matter for the purpose of

1 enabling any party to this Judgment to apply to the Court at any time for such further
2 orders or directions as may be necessary or appropriate, for the construction or carrying
3 out of this Judgment, for modification of the injunctive provisions of this Judgment, and
4 for Plaintiff to apply at any time for enforcement of any provisions of this Judgment and
5 for punishment of any violations of this Judgment.

6 29. This Judgment shall take effect immediately upon its entry.

7
8 The clerk is ordered to enter this Judgment forthwith.

9
10 **IT IS SO ORDERED.**

11 DATE: JUN 30 2006

Original signed by Judge Paul Gutman

JUDGE OF THE SUPERIOR COURT

13 PAUL GUTMAN

14
15
16 Submitted by Plaintiff State of California
17 Department of Toxic Substances Control